



United States
Department of
Agriculture

Office of the
General
Counsel

1400 Independence Ave.
Washington, D.C.
20250-1400

March 18, 2019

Delivered via ELECTRONIC MAIL

Cerissa Cafasso
American Oversight
1030 15th Street, NW
Suite B255
Washington, D.C. 20005

Email: foia@americanoversight.org

Re: Final Response to Freedom of Information Act Request
FOIA Case No. 2019-OGC-01088-F

Dear Ms. Cafasso:

This letter is the U.S. Department of Agriculture, Office of the General Counsel's (OGC) final response to your Freedom of Information Act (FOIA) request submitted on November 20, 2018. You requested:

1. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any person in the Office of the White House, including any person whose email address ends in @who.eop.gov, discussing, concerning, or related to Ivanka Trump (or alternatively styled "Ivanka Kushner") and her use of non-governmental email, including any email address ending in @ijkfamily.org.
2. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any person in the Office of the White House, including any person whose email address ends in

@who.eop.gov, discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”) and FOIA.

3. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any nongovernmental email address attributed to Ivanka Trump (or alternatively styled “Ivanka Kushner”), including but not limited to any email address ending in @ijkfamily.org.
4. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”), FOIA, and the law firm WilmerHale. This request includes communications directly with the law firm WilmerHale.
5. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”), FOIA, and the law firm Norton Rose Fulbright. This request includes communications directly with the law firm Norton Rose Fulbright.
6. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material,

talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled "Ivanka Kushner"), FOIA, and the law firm Winston & Strawn. This request includes communications directly with the law firm Winston & Strawn.

*"Political appointee" should be understood as any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a Non-career SES, any Schedule C employees, or any persons hired under Temporary Non-career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments.

A thorough search was conducted of OGC. We have determined that no records exist in the OGC which are responsive to your request.

You are advised of your right to appeal this response within 90 days of receipt of this letter. You should write on the envelope in capital letters "FOIA APPEAL" and reference FOIA No. 2019-OGC-01088-F. Address your appeal to:

Inga Bumbary-Langston
Deputy General Counsel
Room 107-W
Jamie L. Whitten Federal Building
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1400

If you have any questions regarding this letter, please contact OGC at foiaofficerogc@ogc.usda.gov. You may also seek dispute resolution services from OGC's FOIA Public Liaison, Ms. Karen Carrington. She may be reached at (202) 720-5565, or electronically at the same email address above. You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

Sincerely,

KAREN
CARRINGTON

Digitally signed by
KAREN CARRINGTON
Date: 2019.03.18
14:18:05 -04'00'

Karen Carrington
Acting FOIA Officer
Office of the General Counsel



United States Department of Agriculture

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

June 10, 2019

Delivered via Electronic Mail

Cerissa Cafasso, Counsel
American Oversight
1030 15th Street, N.W.
Suite B255
Washington, D.C. 20005
Email: foia@amiercanoversight.org

**RE: Freedom of Information Act (FOIA) Request 2019-DA-01066-F
Final Response**

Dear Ms. Cafasso,

This is a Departmental FOIA Office (DFO) interim response to the above-referenced FOIA request, seeking the following:

“1. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any person in the Office of the White House, including any person whose email address ends in @who.eop.gov, discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”) and her use of non-governmental email, including any email address ending in @ijkfamily.org.

2. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any person in the Office of the White House, including any person whose email address ends in @who.eop.gov,

discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”) and FOIA.

3. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, message on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any nongovernmental email address attributed to Ivanka Trump (or alternatively styled “Ivanka Kushner”), including but not limited to any email address ending in @ijkfamily.org.

4. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”), FOIA, and the law firm WilmerHale. This request includes communications directly with the law firm WilmerHale.

5. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”), FOIA, and the law firm Norton Rose Fulbright. This request includes communications directly with the law firm Norton Rose Fulbright.

6. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages

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FOIA Case No. 2019-DA-01066-F

on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”), FOIA, and the law firm Winston & Strawn. This request includes communications directly with the law firm Winston & Strawn.”

The request guidance indicates these records are sought in an effort “to inform the public of the nature of Ms. Trump’s personal email use for official government business and what steps the administration has taken to ensure compliance with the Presidential Records Act.”

Your request is being processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the Office of the Chief Information Officer’s (OCIO) telecommunications provider, the Client Experience Center (CEC). This provider performs network services for the OCIO to include electronic messaging operations, electronic calendars, blackberry, mobile device management (MDM), file and print, remote access, voice, network, service desk, and other application services. The Skype accounts and Outlook calendars associated with Sonny Perdue, Stephen L. Censky, Ray Starling, and Brooke Appelton were searched for responsive records, from January 20, 2017, to December 13, 2018, the date of search.

No responsive records were identified as a result of the Skype searches.

With regard to Outlook calendar items, any meeting or appointment between the Secretary and/or the Deputy Secretary and Ivanka Trump, the law firm WilmerHale, the law firm Norton Rose Fulbright, and/or the law firm Winston & Strawn would be reflected on the Secretary’s and the Deputy Secretary’s calendars. The Secretary’s and Deputy Secretary’s calendars have been previously released to American Oversight and are also publicly available on the OSEC/OCIO Reading Room on USDA’s website, accessible at <https://www.dm.usda.gov/foia/OCIOReading.htm> .

The DFO continues processing the remainder of your request.

You may appeal this response by email at USDAFOIA@ocio.usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., Whitten Building, Room 209-A, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90-calendar day limit. Appeals received

Cerissa Cafasso
FOIA Case No. 2019-DA-01066-F

after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

You may seek dispute resolution services from the DFO's FOIA Public Liaison, Ms. Ravoyne Payton at USDAFOIA@ocio.usda.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for the OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have any questions regarding this letter, please contact Mr. Randolph Ballard at 202-205-9548 or electronically at randolph.ballard@usda.gov or USDAFOIA@ocio.usda.gov.

The DFO Team appreciates the opportunity to assist you in this matter.

Sincerely,

ALEXIS GRAVES

Digitally signed by ALEXIS
GRAVES
Date: 2019.06.10 18:11:06
-04'00'

Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer



United States Department of Agriculture

September 19, 2019

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

Delivered via Electronic Mail

Cerissa Cafasso
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

**Re: Final Response for Freedom of Information Act (FOIA)
Request No. 2019-DA-01066-F**

Dear Ms. Cafasso:

This is the Departmental FOIA Office's (DFO) final response to the above-referenced FOIA request, for the following records:

1. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any person in the Office of the White House, including any person whose email address ends in @who.eop.gov, discussing, concerning, or related to Ivanka Trump (or alternatively styled "Ivanka Kushner") and her use of non-governmental email, including any email address ending in @ijkfamily.org.
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3. All records reflecting communications (including but not limited to emails, email attachments, voicemail transcripts, text messages, message on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Facebook or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any political appointees* at your agency and (b) any nongovernmental email address attributed to Ivanka Trump (or alternatively styled “Ivanka Kushner”), including but not limited to any email address ending in @ijkfamily.org.

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Cerissa Cafasso
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electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of any political appointees* at your agency discussing, concerning, or related to Ivanka Trump (or alternatively styled “Ivanka Kushner”), FOIA, and the law firm Winston & Strawn. This request includes communications directly with the law firm Winston & Strawn.

On June 10, 2019, an interim response was provided to you pertaining to the searches of the Skype accounts of Sonny Perdue, Stephen Censky, Ray Starling and Brooke Appleton.

Your request was processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the Office of the Chief Information Officer’s (OCIO) telecommunications provider, the Client Experience Center (CEC). The CEC provides comprehensive, fee-for-service information technology (IT) associated operations, security, and technical support services to USDA end users, as well as implements and manages enterprise IT solutions for users Department-wide.

The email accounts associated with Sonny Perdue, Stephen Censky, Ray Starling, Brooke Appleton, and Heidi Green were searched for the period of January 20, 2017 to November 26, 2018, which was the first date of search and the cutoff date for responsive records. The Skype account associated with Heidi Green was also searched for the period of January 20, 2017 to November 26, 2018.

No responsive records were identified as a result of the CEC’s searches.

You may appeal the adequacy of the search by email at USDAFOIA@ocio.usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., Whitten Building, Room 209-A, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO’s response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked “Freedom of Information Act Appeal.”

You may seek dispute resolution services from the DFO’s FOIA Public Liaison, Ms. Ravoyne Payton at USDAFOIA@ocio.usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

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Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding the processing of this request, please contact Ms. Stephanie Ostrowski at (202) 205-9548, or electronically at stephanie.ostrowski@usda.gov or USDAFOIA@ocio.usda.gov. For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,

**ALEXIS
GRAVES**

Digitally signed by ALEXIS
GRAVES
Date: 2019.09.19 14:02:02
-04'00'

Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer